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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF THE
EXTRADITION OF

MICHAEL ALEJANDRO
CASTILLO MURGA

A Fugitive from the Government
of El Salvador.

Case No.: 2:24-mj-06387

**CASTILLO MURGA'S
OPPOSITION TO EXTRADITION**

Extradition Hearing: December 13,
2024, 11:00AM
In the Courtroom of the
Honorable Sheri Pym
United States Magistrate Judge

TO THE CLERK OF COURT, PARTIES AND COUNSEL:

Alleged fugitive Michael Alejandro Castillo Murga hereby files his opposition to
extradition.

Respectfully submitted,

1 Dated: December 9, 2024
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/s/ Ambrosio E. Rodriguez
Ambrosio E. Rodriguez
Counsel for Alleged Fugitive
Michael Alejandro Castillo Murga

CASTILLO MURGA'S OPPOSITION TO EXTRADITION

I. INTRODUCTION

Michael Alejandro Castillo Murga opposes his extradition to El Salvador. This motion is based on the fact that Mr. Castillo Murga is an American citizen, humanitarian reasons due to the deplorable prison conditions and the biased judiciary system, his past political activism in El Salvador, and the lack of substantial evidence to support the accusations. Principally, the United States is not obligated to extradite an American citizen under the Treaty between the two countries. Additionally, El Salvador's current prison conditions are among the worst globally, posing a significant risk to his life. The complex political atmosphere further endangers Mr. Castillo Murga, given his prior active political involvement in the country before permanently settling in the United States. Lastly, the accusations lack solid evidence, and the existing proof in the case file does not meet the threshold of probable cause. Mr. Castillo Murga has never evaded justice and is committed to demonstrating his innocence; however, he seeks to do so with the proper procedural safeguards afforded in the United States.

II. FACTS RELEVANT TO THIS OPPOSITION

A. Background Facts

Mr. Castillo Murga is a dual citizen of the United States and El Salvador. He has a U.S. passport and has spent most of his life living in the U.S. He has strong community ties in the United States, where most of his family, including his mother and siblings, reside. He has studied and worked in the U.S. throughout his life, holding a California driver's license and owning a vehicle. Before coming to the United States, Mr. Castillo Murga was involved in political activism, making him a target for false accusations. El Salvador has suffered significant instability over the past two decades, plagued by armed groups financed by drug trafficking. In this context, Mr. Castillo Murga's political profile

1 makes him a target of politically motivated accusations that have not been properly
2 investigated over the past five years.

3

4 **B. Charges**

5 Mr. Castillo Murga is charged in El Salvador with one count of Aggravated
6 Feminicide, in violation of Article 45(a) and Article 46(c) & (e) of the Special
7 Comprehensive Law for a Life Free of Violence for Women, and one count of Imperfect
8 Homicide, in violation of Articles 24 and 128 of the Penal Code of El Salvador. El
9 Salvador alleges that on or about January 31, 2019, Mr. Castillo Murga stabbed Melvi
10 Fernanda Najera Quezada, the mother of his child, in a remote location and abandoned
11 his one-year, seven-month-old child, who was found two days later. However, the
12 existing evidence is insufficient to establish probable cause. The threats faced by Mr.
13 Castillo Murga forced him to migrate to the United States to protect his life and that of
14 his family.

15

16 **C. Life in the United States**

17 In the United States, Mr. Castillo Murga has demonstrated significant integration
18 and commitment to his community. He maintains strong familial and social ties and has
19 earned a reputation as an upstanding member of society. Since arriving in the U.S., he has
20 pursued education, held employment, obtained a U.S. passport, a California driver's
21 license, and purchased a vehicle. He has consistently provided accurate personal and
22 residential information and has never faced legal issues, showcasing his law-abiding
23 nature.

24

25 **III. ARGUMENT**

26 **A. There is no obligation from the United States to extradite an**
27 **American Citizen**

1 Mr. Castillo Murga holds dual citizenship and has been an American citizen since
2 before the alleged incidents. The U.S.-El Salvador Extradition Treaty, signed on
3 December 18, 1911, governs the extradition process between the two countries and
4 remains in effect. ARTICLE VIII of the Treaty states: “Under the stipulations of this
5 Treaty, neither of the Contracting Parties shall be bound to deliver up its own citizens.”
6 Therefore, the United States has no obligation to extradite Mr. Castillo Murga.
7 Furthermore, the United States has a vested interest in protecting its citizens from unjust
8 legal proceedings abroad. Granting this extradition would subject Mr. Castillo Murga to
9 inhumane detention conditions and a politically influenced judicial process, jeopardizing
10 his fundamental human rights.

11 Legal precedent affirms this principle: in *United States v. Soto-Barraza*, 947 F.3d
12 1111, 1116 (9th Cir. 2020), and *Quinn v. Robinson*, 783 F.2d 776, 782 (9th Cir. 1986),
13 the courts have noted that extradition obligations are derived from treaty terms. The
14 Ninth Circuit Criminal Handbook (2024) also underscores that the right to demand and
15 obtain extradition is contingent upon treaty provisions, further reinforcing that the United
16 States is not obligated to extradite its own citizens. El Salvador's consistent policy of
17 denying the extradition of its nationals, including gang members sought by other
18 countries, highlights a lack of reciprocal treatment. Extraditing an American citizen under
19 such circumstances would represent a significant imbalance in the application of the
20 treaty.

21

22 B. Impacts on Constitutional Rights

23 In the legal proceedings against Mr. Michael Alejandro Castillo Murga in El
24 Salvador, several of his constitutional rights are being violated. Firstly, the case is being
25 prosecuted under an amendment to the Salvadoran Criminal Procedure Code enacted on
26 October 4, 2022, which allows criminal cases to proceed even in the absence of the
27 defendant. This reform was applied retroactively, constituting a double infringement of
28 the Constitution of El Salvador. The retroactive application of this amendment violates

1 the principle of legality by altering the procedural rules applicable to Mr. Castillo Murga,
2 effectively conducting a trial without his presence and denying him the opportunity to
3 defend himself. Moreover, Mr. Castillo Murga's right to a fair defense has been severely
4 compromised. He has been assigned a public defender who has not undertaken any
5 efforts to collect exculpatory evidence or adequately represent his interests. Notably, one
6 of the most critical witnesses who could have attested to the political motivations
7 underlying the charges was Mr. Castillo Murga's grandmother. Unfortunately, she passed
8 away without her testimony being taken, depriving him of vital evidence that could have
9 demonstrated the political persecution he faces. The deprivation of Mr. Castillo Murga's
10 fundamental rights, including the right to due process and effective legal representation,
11 raises serious concerns about the legitimacy of the charges and the fairness of any trial he
12 may face if extradited. The principle of legality, enshrined in Article 15 of the
13 International Covenant on Civil and Political Rights (ICCPR), to which El Salvador is a
14 party, prohibits the retrospective application of criminal laws to the detriment of the
15 accused. By altering the procedural rules after the alleged offense and applying them
16 retroactively to Mr. Castillo Murga, the Salvadoran authorities have violated this
17 fundamental principle. These substantial due process violations highlight the risk of Mr.
18 Castillo Murga being subjected to an unfair trial if extradited.

19

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C. Human Rights Violations

21 The current prison conditions in El Salvador are dire and have been widely
22 condemned by human rights organizations and foreign governments. Extraditing Mr.
23 Castillo Murga would subject him to these conditions, violating his right to life and
24 health. The risk of human rights violations cannot be overlooked, and extradition should
25 be denied when fundamental rights are at risk. Mr. Castillo Murga's past political
26 activism further increases his vulnerability, as El Salvador's judiciary has been known to
27 target political dissidents. The Inter-American Commission on Human Rights has
28 reported on the use of the judicial system to persecute political opponents, raising serious

1 concerns about the fairness of trials. While U.S. courts have allowed extradition in cases
 2 where constitutional rights may be at risk, Mr. Castillo Murga's status as an American
 3 citizen warrants heightened protection. ARTICLE III of the Treaty between the
 4 Governments affirms: "The provisions of this Treaty shall not import claim of extradition
 5 for any crime or offence of a political character, nor for acts connected with such crimes
 6 or offences; and no person surrendered by or to either of the Contracting Parties in virtue
 7 of this Treaty shall be tried or punished for a political crime or offence." Mr. Castillo
 8 Murga's political background suggests that the charges against him may be politically
 9 motivated.

10

11 **D. Lack of Probable Cause**

12 The Extradition Treaty between the United States and El Salvador mandates that,
 13 *"provided that such surrender shall take place only upon such evidence of criminality, as
 14 according to the laws of the place where the fugitive or person so charged shall be
 15 found"* (Treaty Article I). This requirement underscores the necessity of demonstrating
 16 probable cause that the charges are legitimate and that the accused is directly linked to
 17 the alleged acts. In this case, such evidence is sorely lacking. Both charges against Mr.
 18 Castillo Murga are rooted in third-party allegations, none of which include firsthand
 19 accounts placing him at the crime scene or implicating him directly. The details provided
 20 by these third parties emerged *ex post facto*, casting doubt on their reliability and
 21 suggesting that they were constructed to bolster the prosecution's narrative. Importantly,
 22 there is no physical or testimonial evidence definitively connecting Mr. Castillo Murga to
 23 the crimes. The mere fact that he was present in El Salvador at the time is insufficient as
 24 a basis for probable cause.

25 Additionally, Mr. Castillo Murga has endured profound personal loss due to the
 26 death of his former partner, whom he financially supported for the well-being of their
 27 child. Evidence of his ongoing support and communications showing affection toward
 28 both his partner and child underscores his character and refutes any claim that he could

1 harm them. Furthermore, existing phone records and cell tower data fail to corroborate
2 the prosecution's claims. The lack of a comprehensive and impartial investigation
3 suggests that this case may have political undertones aimed at coercing Mr. Castillo
4 Murga's return to El Salvador under dubious pretenses.

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6 **IV. CONCLUSION**

7 For the above reasons, Michael Alejandro Castillo Murga opposes his extradition
8 to El Salvador.

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11 Respectfully submitted,

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14 Dated: December 9, 2024

15 /s/ Ambrosio E. Rodriguez
16 Ambrosio E. Rodriguez
17 *Counsel for Alleged Fugitive*
18 *Michael Alejandro Castillo Murga*